

**MINUTES OF THE COTTONWOOD HEIGHTS CITY  
PLANNING COMMISSION MEETING**

**Wednesday, November 6, 2013**

**6:00 p.m.**

**Cottonwood Heights City Council Room  
1265 East Fort Union Boulevard, Suite 300  
Cottonwood Heights, Utah**

***ATTENDANCE***

**Planning Commission Members:**

Perry Bolyard  
James Jones  
Lindsay Holt-Tofte  
Paxton Guymon  
Dennis Peters  
Janet Janke

**City Staff:**

Brian Berndt, Community/Economic Dev. Director  
Larry Gardner, City Planner  
Mike Johnson, Associate Planner  
Shane Topham, City Attorney  
Robin Walton, Planning Intern

**Excused:**

Gordon Walker  
Jeremy Lapin  
Joseph Demma

**Others Present:**

Adam Woolston-Youth Council Rep.	Tyson Aoki
JoAnn Merrill	Jadon Prigee
Carol Bengtzel	Molly Prigee
Vera Winn	Scott Claffey
Alona Holm	Shantae McCoy
Nancy Dahill	Sylvia Bennion
Doug Shelby	Helen Aoki
Julee Attig	Emily Rose
John Holton	Jared Johnson
Dana Conway	Woody Noxin
Mary Ellen Johnson Van Engelenhoven	Mark Maclus
Nancy Hardy	Sylvia Bennion
Nate Secrest	

**1.0 WELCOME/ACKNOWLEDGEMENTS**

Chair Perry Bolyard called the meeting to order at 6:00 p.m.

Chair Bolyard reported that the scheduled public hearing for the property located at 8559-8595 South Wasatch Boulevard was cancelled due to the property owner having withdrawn the application. There was no discussion.

## 2.0 CITIZEN COMMENTS

Chair Bolyard stated that there have been concerns raised by citizens that they have not had an opportunity to speak to the request from Reagan Outdoor Advertising for the billboard located at 3720 East 7000 South. The Planning Commission allowed interested individuals to share their concerns relative to the project.

Doug Shelby expressed opposition to the electronic billboard and the proposed location.

Mark Maclus, a Prospector Drive resident, concurred with Mr. Shelby's comments. He also shared concern about the safety of the community and is of the opinion that the proposed sign is not aesthetically pleasing.

Julie Attidac detailed her opposition to electronic billboards in the community. She is of the opinion that a balance needs to be struck. She feels that the proposed signage location is inappropriate.

Woody Noxin expressed concerns about safety relative to the location of the electronic billboard. He stated that the signage would be competing with traffic signals, cars, and cyclists for attention. Mr. Noxin asked if this fits into the Gateway plan for the City.

Chris McKayus requested that the item be continued to allow time for additional citizen input.

JoAnn Merrill expressed concerns about safety at the mouth of Big Cottonwood Canyon.

Nancy Hardy asked that the matter be postponed until a General Plan is in place allowing a proper determination to be made regarding the proposed signage.

Sylvia Bennion reported that the light shines directly into her bedroom window. She recommended the item be continued until a plan is in place. She feels the signage detracts from the canyon ambience.

Alona Holm stated that she previously made a request that a traffic study be conducted. She was curious to see if the Commission had followed through.

Chair Bolyard presented the traffic study findings, which showed the total traffic volume on Fort Union and Wasatch Boulevard. He reported that during morning hours, there is an average of 1,462 vehicles per hour. Fort Union and Highland Drive have an average of 4,000 vehicles per hour in the morning, 4,500 midday, and 5,700 during the afternoon peak. The intersection at 1300 East and Fort Union averages 2,000 vehicles per hour in the morning, 3,400 at midday, and 3,775 in the evening. Chair Bolyard confirmed that over the past five years, traffic accidents on 1300 East and Fort Union totaled 153. There were 181 on Highland Drive and Fort Union and 13 on Wasatch Boulevard.

Mary Ellen Van Engelenhovon shared concern regarding the danger of the Wasatch Boulevard and Fort Union intersection. She expressed opposition to the proposed electronic billboard.

Shantea McCoy concurred with the previous comments expressed opposing the proposed signage.

Nate Secrest, from Reagan Outdoor Advertising, stated that after numerous nationwide studies, there has been no statistically important impact on traffic where digital billboards are included. He confirmed that there will not be any flashing lights on any digital outdoor advertising, as they are regulated by the state and federal governments. He reported that this is the second public hearing conducted on the issue, one more than required by law.

There were no further public comments. The public hearing was closed.

### 3.0 PUBLIC HEARINGS

#### 3.1 **(Project #ZMA 13-005) Public Comment on a request from Walter and Patricia Widmer to change the zoning and amend the zoning map from RR-1-43 Rural Residential zoning to NC Neighborhood Commercial zoning on property located at 7839 South Highland Drive**

City Planner Larry Gardner presented the staff report and described the rezone request submitted by Walter and Patricia Widmer. He stated that the applicants requested the zoning be changed to conform to the City's General Land Use Map, which is Neighborhood Commercial, and to remove the non-conforming status on the property. Staff recommended approval subject to the findings set forth in the staff report.

The applicant, Walter Widmer, stated that they would like to sell the proposed property as a school in the near future, but nothing concrete has yet been proposed.

Tyson Aoki expressed concern regarding a rezone to higher density commercial that would result in increased traffic.

There were no further comments. The public hearing was closed.

### 4.0 ACTION ITEMS

#### 4.1 **(Project #CU 13-010) Action on a request from Reagan Outdoor Advertising for conditional use approval to replace one face of the billboard located at 3720 East 7000 South with an electronic display sign (digital billboard) and operate the electronic display sign at the same location**

Chair Bolyard stated that the request is from Reagan Outdoor Advertising for conditional use approval to replace one face of the billboard located at 3720 East 7000 South.

Commissioner Guymon raised a question regarding the course of action should any issues arise.

Mr. Gardner reported that the conditional use permit could be reviewed by the Planning Commission in order to maintain the safety and welfare of the City. He noted that the conditional use is in force as long as the sign exists.

City Attorney Shane Topham detailed the history of converting a standard billboard to an electronic billboard. At the time of the City's incorporation in 2005, a prohibition of new billboards was implemented. Reagan Outdoor Advertising argued that the only way to increase their business was to increase the number of images shown on existing billboards, hence the request for electronic

signage. The Utah League of Cities and Towns communicated with all Utah jurisdictions and advised them to study the issue and that electronic billboards are coming. Unless the City wants the legislature to act and take away the City's ability to control these types of conversions, municipalities need to enact their own ordinances. The Cottonwood Heights City Council selected certain areas in the City where conversions would be appropriate, which included four of the current 17 billboards. Considerations regarding those locations were detailed.

During the 2013 legislative session, the industry returned with the Electronic Version Bill. It was Mr. Topham's understanding that Mayor Cullimore's testimony stating that individual cities, such as Cottonwood Heights, are capable of regulating their own ordinances was so persuasive, that the bill did not pass.

Nancy Hardy raised a question regarding allowed signage size.

Chair Bolyard confirmed that signs range in size and the proposed signage would not be larger than the current display. He emphasized that there are no new outdoor signs that will be installed in the City. He clarified that this item only includes the replacement of an existing billboard to an electronic sign.

Commissioner Holt-Tofte empathized with the community and explained that because the CUP and applicant meet all of the ordinance criteria, there is little the Commission can do legally to argue against the proposal. Safety concerns were researched and there was no finding showing that the switch from static to electronic billboards has a more negative impact.

Chair Bolyard emphasized that an extensive amount of work went into limiting the impact of digital signs in the community.

***Motion: Commissioner Peters moved to approve Project #CU-13-010 from Reagan Outdoor Advertising for conditional use approval to replace one face of the billboard located at 3720 East 7000 South with an electronic display sign and operate the display sign at the same location. Approval was subject to the following conditions:***

- 1. The OPEDS placement shall conform to the site plan contained in the application and in the staff report on file for this project in the planning office. If there is a conflict between these conditions and the site plan, staff shall determine which document takes precedence. Any proposed significant change to the site plan, as determined by the staff, shall be subject to additional public hearings before the Planning Commission.***
- 2. No OPEDS may be larger in width, height or display/sign able area than the off-premise sign from which it was converted.***
- 3. The text, images and graphics on an OPEDS shall be static and complete within themselves, without continuation in content to the next image or message or to any other sign. Serial messages that require multiple passes of multiple signs to comprehend the message are prohibited.***
- 4. All text and images must be of a size and shape to not cause drivers to reduce speed or become unreasonably distracted in order to comprehend the message.***

*The city's focus under this subsection (19.82.123 section D (3)) shall be the method (in terms of letter size and other quantifiable physical attribute(s) used to convey a message on an OPEDS rather than the content of such message.*

5. *Each electronic display area capable of showing a separate electronic message shall be considered to be a separate OPEDS, including those sharing the same support structure.*
6. *OPEDS shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking and changes in color, fade in or fade out or any other imitation of movement or motion, or any other means not providing constant illumination.*
7. *The dwell time for each message on an OPEDS shall be at least eight seconds, such that each message shall be illuminated and static for at least eight seconds before transitioning to a new static display.*
8. *The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding .25 seconds.*
9. *OPEDS shall comply with the following illuminance requirements:*
  - a. *No OPEDS shall cause illuminance in excess of three-tenths (0.3) foot candle above ambient light as measured perpendicular to the OPEDS's electronic sign face at the distance in feet calculated by taking the square root of the product of the following:*
    - i. *the area of the OPEDS's electronic sign face measured in square feet; and*
    - ii. *100.*

*For example, if the OPEDS's electronic sign face measures 14' x 48', then the illuminance caused by such use could not exceed three-tenths (0.3) foot candle above ambient light at a perpendicular distance of 259 feet from the OPEDS's sign face.*
  - b. *Every OPEDS shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as provided above in the direct correlation with natural ambient light conditions at all times.*
  - c. *The applicant agrees that this OPEDS shall not be illuminated, lit or operated between 11:00 pm and 6:00 a.m.*
  - d. *The condition in subsection (c) above, are not applicable to the extent that the message is an emergency public safety warning or alert, such as an "Amber Alert."*

- e. *Continuous compliance with the illumination limits of subpart (10)(a), above, shall be a condition of approval of any OPEDS located within 600 feet of any property zoned or occupied for a residential use.*
11. *OPEDs may not be located closer than 800 linear feet from any other OPEDS; subject to the clarifications applicable to off-premise signs with two or more sign face.*
  12. *The following certifications are additional conditions of approval or continuation of any OPEDS;*
    - a. *Within ten calendar days after an OPEDS is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the motion, dwell time, swirl time, illuminance and other requirements of the this section.*
    - b. *Based on complaints received, or for any other reasonable cause, the city may from time to time require the owner or operator of an OPEDS to provide, within ten calendar days after receipt of the city's written request, an updated written certification that the sign has been re-tested and has been repaired or modified, as necessary, to comply with the requirements of this section.*
    - c. *The city also may, as its option, from time to time verify an OPEDS's compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign's illuminance. If the city reasonable determines that an OPEDS is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten calendar days after written notice from the city, and shall reimburse all of the city's costs reasonably incurred in connection with such determination.*
  13. *Any OPEDS not conforming to the requirements of this section is prohibited.*
  14. *Including all items of the staff report.*

*The motion was seconded by Commissioner Jones. Vote on motion: James Jones–Aye, Janet Janke–Aye, Paxton Guymon–Aye, Lindsay Holt-Tofte–Aye, Dennis Peters–Aye, Chair Perry Bolyard–Aye. The motion passed unanimously.*

- 4.2 (Project #CUP 13-009) Action on a request from Dana Conway for a conditional use permit, site plan approval and lot consolidation for a dentist office and site plan approval located at 6724 South Highland Drive and amending Greenfield Village Plat A combining three lots into one lot

Chair Bolyard presented the staff report and described the request from Dana Conway for the proposed conditional use permit.

***Motion: Commissioner Holt-Tofte moved to recommend approval of Project #CUP 13-009, action on a request from Dana Conway for a conditional use permit, site plan approval, and lot consolidation at 6724 South Highland Drive and amending Greenfield Village Plat A combining three lots into one lot subject to the following conditions:***

- 1. That the applicant must meet all relevant portions of chapters 12.26 (“Vacating or Changing Subdivision Plat”), applicable sections of chapter 14 (“Highways, Sidewalks and Public Places”), 19.35 (“Residential Office “), 19.49 (“Gateway Overlay District”), and all other applicable laws, ordinances and regulations pertaining to the proposed use;***
- 2. That the building and site will be constructed as shown on the final approved plan sets, dated August 24, 2013, and the elevation drawings dated June 20, 2013;***
- 3. That a bond will be posted in an amount approved by the city engineer to cover all site improvements following city procedures;***
- 4. That a traffic study be submitted that will be reviewed and approved by staff showing the impact of the proposed use on existing traffic conditions;***
- 5. That the applicant install one city-standard street light in the public right-of-way along Highland Drive that is designed in accordance with the Cottonwood Heights Street Lighting Policy.***
- 6. That the applicant complete and follow all provisions outlined in the construction mitigation plan;***
- 7. That the applicant will obtain a Notice of Intent, maintain a Storm Water Pollution Prevention Plan and comply with City, State and Federal standards during construction;***
- 8. That all technical corrections to the construction documents will be made as directed by staff in order to obtain a building permit;***
- 9. Including all additional requirements stipulated in the Pertinent Information section of the staff report (i.e. Architectural Review; Building, Site Plan and Landscaping; Curb, Gutter, Sidewalk, and Driveway; Storm Drain Water, Utilities; Fire Safety; Lighting; Screening; Landscaping; Fencing; Signage; Building Height).***

***The motion was seconded by Commissioner Guymon. Vote on motion: James Jones–Aye, Janet Janke–Aye, Paxton Guymon–Aye, Lindsay Holt-Tofte–Aye, Dennis Peters–Aye, Chair Perry Bolyard–Aye. The motion passed unanimously.***

- 4.3 Action on proposed amendments to Chapters 19.17 (RR-1-43-Rural Residential Zone), 19.18 (RR-1-29-Rural Residential Zone), 19.20 (RR-1-21-Rural Residential Zone), 19.23 (R-1-15-Residential Single Family Zone), 19.25 (R-1-10-Residential Single Family Zone), 19.26 (R-1-8-Residential Single Family Zone), 19.29 (R-1-6-Residential Single Family Zone) and 19.31 (R-2-8-Residential Multi-Family Zone) to add diagrams, reformat text and amend accessory structure criteria**

Chair Bolyard described the proposed amendment.

***Motion: Commissioner Janke moved to recommend approval to the City Council to amend Chapters 19.17 (RR-1-43-Rural Residential Zone), 19.18 (RR-1-29-Rural Residential Zone), 19.20 (RR-1-21-Rural Residential Zone), 19.23 (R-1-15-Residential Single Family Zone), 19.25 (R-1-10-Residential Single Family Zone), 19.26 (R-1-8-Residential Single Family Zone), 19.29 (R-1-6-Residential Single Family Zone) and 19.31 (R-2-8-Residential Multi-Family Zone), as written. The motion was seconded by Commissioner Jones. Vote on motion: James Jones–Aye, Janet Janke–Aye, Paxton Guymon–Aye, Lindsay Holt-Tofte–Aye, Dennis Peters–Aye, Chair Perry Bolyard–Aye. The motion passed unanimously.***

#### **4.4 Action taken to adopt a 2014 Meeting Calendar**

Chair Bolyard reviewed the 2013 meeting calendar.

***Motion: Commissioner Guymon moved to approve the 2013 meeting calendar, as written. The motion was seconded by Commissioner Peters. Vote on motion: James Jones–Aye, Janet Janke–Aye, Paxton Guymon–Aye, Lindsay Holt-Tofte–Aye, Dennis Peters–Aye, Chair Perry Bolyard–Aye. The motion passed unanimously.***

#### **4.4 Approval of October 16, 2013, Minutes**

***Motion: Commissioner Janke moved to approve the October 16, 2013, minutes, as written. The motion was seconded by Commissioner Guymon. Vote on motion: James Jones–Aye, Janet Janke–Aye, Paxton Guymon–Aye, Lindsay Holt-Tofte–Abstained, Dennis Peters–Aye, Chair Perry Bolyard–Aye. The motion passed unanimously with one abstention.***

#### **5.0 ADJOURNMENT**

***Motion: Commissioner Holt-Tofte moved to adjourn. The motion was seconded by Commissioner Jones and passed unanimously on a voice vote***

The Planning Commission meeting adjourned at 7:06 pm.

Minutes approved: 01/15/2014